

Erik M. Corlett, Esq.
PASHMAN STEIN WALDER HAYDEN, P.C.
Court Plaza South
21 Main Street, Suite 200
Hackensack, New Jersey 07601
P: (201) 488-8200
ecorlett@pashmanstein.com
Attorneys for Defendant
Piscataway Township Board of Education

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

S.P. on behalf of her minor daughter,
K.H.,

Plaintiff,

v.

PISCATAWAY TOWNSHIP BOARD
OF EDUCATION,

Defendant.

Civil Action No.: 2:18-CV-10037-CCC-MF

**THIRD-PARTY COMPLAINT
AND JURY DEMAND**

PISCATAWAY TOWNSHIP BOARD
OF EDUCATION,

Third-Party Plaintiff,

v.

T.S. on behalf of her minor son, K.B.,

Third-Party Defendant.

Defendant / Third Party Plaintiff, Piscataway Township Board of Education, with a principal office located at 1515 Stelton Road, Piscataway, New Jersey 08854, alleges by way of Third-Party Complaint against Third-Party Defendant T.S. on behalf of her minor son, K.B.:

PARTIES

1. Third-Party Plaintiff, Piscataway Township Board of Education, is a board of education created pursuant to New Jersey law and located in Piscataway Township, Middlesex County, New Jersey, and is a defendant in this action.

2. Upon information and belief, Third-Party Defendant T.S., on behalf of her minor son, K.B., is the mother and guardian of K.B., with a last known address is 1208 Powderhorn Place, Piscataway, New Jersey.

PLAINTIFFS' COMPLAINT

3. On or about June 1, 2018, plaintiff S.P. on behalf of her minor daughter, K.H., filed a complaint initiating this lawsuit against defendant, Piscataway Township Board of Education and others.

4. On or about September 17, 2018, plaintiff filed an Amended Complaint against defendant Piscataway Township Board of Education, removing several causes of action and the superintendent of Piscataway Township Board of Education as a direct defendant.

5. Plaintiff's Amended Complaint alleges that on June 1, 2016, K.H. was sexually assaulted by another student, K.B., while on the school bus ride back from a field trip to Forest Lodge in Warren, New Jersey.

6. Plaintiff alleges that Piscataway Township Board of Education: violated her rights under Title IX of the Educational Amendments of 1972, retaliated against K.H. in violation of Title IX, violated New Jersey's Law Against Discrimination, was negligent, was grossly negligent, negligently inflicted emotional distress, and that it is liable for negligent supervision.

7. On or about October 12, 2018, the Piscataway Township Board of Education answered plaintiff's Amended Complaint, denying substantive liability.

JURISDICTION AND VENUE

8. The United States District Court has jurisdiction under 28 U.S.C. § 1331 and supplemental jurisdiction under 28 U.S.C. § 1367.

9. Venue is proper in this Court under 28 U.S.C. § 1391 because Third Party Defendant T.S. on behalf of her minor son, K.B., resides in this District, and the acts and actions which give rise to the claims asserted in this Third-Party Complaint occurred in this District.

COUNT ONE
(Contribution)

10. The Piscataway Board of Education repeats each and every allegation contained in paragraphs 1 through 9 as though set forth at length herein.

11. While the Piscataway Board of Education denies the allegations of plaintiff, to the extent that plaintiff is found to have sustained injuries or damages as a consequence of the incident of June 1, 2016, such damages were caused by K.B.'s actions.

12. While the Piscataway Board of Education denies any negligence or liability to plaintiff, to the extent it may be determined that the Piscataway Board of Education was negligent or otherwise liable to plaintiff, K.B. breached his duty to plaintiff, and therefore qualifies as a joint tortfeasor within the meaning of the Joint Tortfeasors Contribution Act, N.J.S.A. 2A:53-1 to -29.

13. While the Piscataway Township Board of Education denies the allegations of plaintiff, to the extent that Piscataway Township Board of Education is found liable to plaintiff, then it is entitled to contribution pursuant to the common law, the Comparative Negligence Act, N.J.S.A. 2A:15-5.1, et seq., and the Joint Tortfeasors Contribution Act, N.J.S.A. 2A:53A-1 et seq., from K.B., and to an appropriate allocation of fault under the New Jersey Tort Claims Act, N.J.S.A. 59:9-1 to -4.

WHEREFORE, the Piscataway Township Board of Education demands judgment against T.S. on behalf of her minor son, K.B. for contribution, and any other relief that the Court deems just and equitable.

COUNT TWO
(Common Law Indemnification)

14. The Piscataway Township Board of Education repeats each and every allegation contained in paragraphs 1 through 13 as though set forth at length herein.

15. While the Piscataway Township Board of Education denies the allegations of plaintiff, to the extent that Piscataway Township Board of Education is found liable to plaintiff, then its liability is secondary or solely by operation of law or was due primarily to the wrongful acts, omissions and other conduct of K.B.

WHEREFORE, the Piscataway Township Board of Education demands judgment against T.S. on behalf of her minor son, K.B., for common-law indemnification, and any other relief that the Court deems just and equitable.

JURY DEMAND

Pursuant to Fed. R. Civ. P. 38(b), Third-Party Plaintiff hereby demands trial by jury of all issues triable as of right by a jury.

By: /s/ Erik M. Corlett
Erik M. Corlett
PASHMAN STEIN WALDER HAYDEN, P.C.
Court Plaza South
21 Main Street, Suite 200
Hackensack, New Jersey 07601
P: (201) 488-8200
ecorlett@pashmanstein.com
Attorneys for Defendant
Piscataway Township Board of Education

Dated: March 1, 2019

CERTIFICATION PURSUANT TO LOCAL CIVIL RULE 11.2

The undersigned hereby certifies pursuant to Local Civil Rule 11.2 that this matter is not the subject of any other action pending in any court, or of any pending arbitration or administrative proceeding.

By: /s/ Erik M. Corlett
Erik M. Corlett
PASHMAN STEIN WALDER HAYDEN, P.C.
Court Plaza South
21 Main Street, Suite 200
Hackensack, New Jersey 07601
P: (201) 488-8200
ecorlett@pashmanstein.com
Attorneys for Defendant
Piscataway Township Board of Education

Dated: March 1, 2019